

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

856 Greene Avenue Properties LLC,

Debtor.

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Chapter 11

Case no. 23-41636-ess

**RESPONSE IN FURTHER SUPPORT OF UNITED STATES TRUSTEE’S OBJECTION
TO DEBTOR’S APPLICATION
TO EMPLOY NORTHGATE REAL ESTATE GROUP AS BROKER**

William K. Harrington, the United States Trustee for Region 2 (the “United States Trustee”), by and through his undersigned counsel, hereby submits this response in further support of its objection (ECF no. 45 “Objection”) to the application (ECF No. 16, the “Application”) of 856 Greene Avenue Properties LLC (the “Debtor”) to retain Northgate Real Estate Group (“Northgate”) as broker pursuant to section 327(a) of title 11 of the United States Code (the “Bankruptcy Code”), and to the Debtor’s reply to the Objection (ECF no 46, the “Reply”).

RESPONSE

In its Reply, the Debtor repeatedly asserts that the United States Trustee lacks standing to object to approval of the Application. **This is simply not correct, as a matter of law.** The United States Trustee’s mandate includes “monitoring applications filed under section 327 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications.” *See* 28 U.S.C. § 586(a)(3)(I). In addition, under the Bankruptcy Code the “United States trustee may raise and may appear and be

heard on any issue in any case or proceeding under [the Bankruptcy Code].” *See* 11 U.S.C. § 307. Accordingly, the United States Trustee not only has standing to object to the Application, it has a **statutory mandate** to raise any concerns it has with the proposed retention of Northgate.

Accordingly, the United States Trustee respectfully requests that the Court sustain the Objection, deny the Application, and grant such other relief as is just.

Dated: New York, New York
February 16, 2024

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE, REGION 2

By: /s/ Jeremy S. Sussman
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